

MONDAY, AUGUST 4, 2003

RULE PROPOSAL  
COMMUNITY AFFAIRS  
DIVISION OF FIRE SAFETY

**UNIFORM FIRE CODE**  
**FIRE CODE ENFORCEMENT**  
**ANNUAL REGISTRATION FEE FOR TYPE BD LIFE HAZARD USES**

**Re-proposed Amendment: N.J.A.C. 5:70-2.9**

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-198.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2003-305.

Submit written comments by October 3, 2003 to:

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The agency proposal follows:

***Summary***

On June 2, 2003, the Department published a proposal in the New Jersey Register that would increase most fees charged by the Division of Fire Safety by 20 percent. (See 35 N.J.R. 2433(a).) Inadvertently, the annual registration fee for life hazard uses of Type Bd was proposed to be increased from \$414.00 to \$419.00, an increase of approximately 1.2 percent, rather than 20 percent. This proposal would correct that error by proposing that the fee for Type Bd life hazard uses be raised to \$497.00, consistent with the increases for all other life hazard uses.

A 60-day comment period has been provided for this proposal, and, therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, the proposal is not subject to the provisions of N.J.A.C. 1:30-3.1 and 3.2 governing rulemaking calendars.

***Social Impact***

It is necessary to increase the fees for inspection in order to maintain the ability of the Division of Fire Safety to protect public safety by enforcing the Uniform Fire Code in life hazard uses. As a matter of

fairness, the burden of the increased fees must be shared proportionately among owners of all categories of life hazard uses. Certainly, no category of life hazards should be exempt from a general increase because of an error.

### ***Economic Impact***

This proposed amendment would result in an annual fee increase of \$83.00 per year for owners of Type Bd life hazard uses, compared to the increase of \$5.00 per year that was previously proposed. A complete listing of Type Bd life hazard uses may be found at N.J.A.C. 5:70-2.4B(d). The proposal published on June 2, 2003 at 35 N.J.R. 2433(a) would add to that category funeral homes, funeral parlors and mortuaries providing access to the public with a maximum permitted occupancy of 200 or more persons.

### ***Federal Standards Statement***

No Federal standards analysis is required because these rules are not being proposed for amendment under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards or requirements.

### ***Jobs Impact***

The Department does not expect that adoption of this amendment would result in the creation or loss of any jobs.

### ***Agriculture Industry Impact***

This proposed amendment would have no impact upon the agriculture industry.

### ***Regulatory Flexibility Analysis***

All owners of Type Bd life hazard uses, be they “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., or otherwise, would be required to pay an increase of 20 percent in the amount of the annual registration fee paid to the Department. This increase is needed in order to sustain the enforcement program, which is necessary for the protection of public safety. No differential fee based on the size or nature of the ownership entity would be justified. This amendment would not impose any other compliance, record keeping or reporting requirements and would not require the hiring of professionals by “small businesses.”

### ***Smart Growth Impact***

The proposed amendment would not have any impact upon the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

**Full text of the proposal follows:**

5:70-2.9 Fees: registration[,]; certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC); permit; carnival registration certificate

(a) The annual registration fee for life hazard uses shall be as follows:

1.-13. (No change.)

14. Type Bd [~~\$414.00~~] \$497.00 per year;

15.-38. (No change.)

(b)-(f) (No change.)